

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,

Plaintiff,

v.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

Case No. 1:20-cv-03395-BMC

RESPONSE TO ORDER TO SHOW CAUSE

On July 29, 2020, the Court issued an Order to Show Cause why this case should not be dismissed for lack of subject matter jurisdiction in light of Plaintiff Full Circle United, LLC's failure to properly allege its citizenship. An LLC takes the citizenship of its members for diversity purposes. *Bayerische Landesbank, New York Branch v. Aladdin Capital Mgmt., LLC*, 692 F.3d 42, 49 (2d Cir. 2012).

Plaintiff Full Circle United, LLC has one member, Eric Pavony, and Mr. Pavony is domiciled in New York. Plaintiff submits that there is no cause to dismiss this action for lack of subject matter jurisdiction because there is complete diversity of citizenship between the parties. *See* Complaint ¶ 15 (alleging that Defendant Bay Tek Entertainment, Inc. is incorporated and has its principal place of business in Wisconsin); *see also id.* ¶¶ 17, 240, 246, 276 (alleging that the amount in controversy is greater than \$75,000).

Dated: July 29, 2020

Respectfully submitted,

/s/ Shawn P. Naunton

Shawn P. Naunton

Jon R. Fetterolf (*pro hac vice* forthcoming)

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